

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MIDWEST FACTORY
WAREHOUSE, INC.

Plaintiff,

-vs-

ESTES EXPRESS LINES, et al.

Defendants.

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Case No. 3:06CV061

District Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington

ORDER OF DISMISSAL: TERMINATION ENTRY

The Court having been advised by counsel for the parties that the above matter has been settled, IT IS ORDERED that this action is hereby DISMISSED, with prejudice as to the parties, provided that any of the parties may, upon good cause shown within 60 days, reopen the action if settlement is not consummated.

Parties intending to preserve this Court's jurisdiction to enforce the settlement should be aware of *Kokkonen v. Guardian Life Ins. Co. of America*, 114 S.Ct. 1673 (1994), and incorporate appropriate language in any substituted judgment entry.

The Court will retain jurisdiction to enforce the terms of the settlement between the parties, if necessary.

IT IS SO ORDERED.

October 19, 2006

***s/THOMAS M. ROSE**

Thomas M. Rose
United States District Judge